

REMARKS

Amendments

Claim 7 is amended to overcome the §112, second paragraph, rejection by canceling CaCO₃. This subject matter is not claimed in new independent claim 23.

Claims 18 and 19 are amended to be mixture claims dependent on claim 1, rather than method claims.

Non-elected Claims

Claims 18, 19, 21, and 22 are said to be withdrawn from consideration as being drawn to non-elected subject matter. Claims 18 and 19 are amended above to be dependent on claim 1 and are directed to the elected subject matter.

Claims 21 and 22 are directed to a method of preparing the mixture of claim 1. Claim 1 is now allowed. Applicants request that claims 21 and 22 be rejoined pursuant to MPEP §821.04.

Rejection Under 35 USC §112, second paragraph

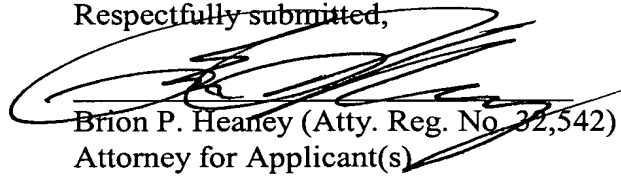
In the Office Action of Claim 7 was rejected as being indefinite due to the inclusion of CaCO₃ in the Markush group. Claim 7 is amended to delete CaCO₃. The latter is now recited in new claim 23.

In view of the above remarks, favorable reconsideration is courteously requested. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned, VERSION WITH MARKINGS TO SHOW CHANGES MADE. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

B

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Brion P. Heaney (Atty. Reg. No. 32,542)
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: Merck 2238

Date: June 17, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 7 and 18-19 as follows:

--7. A mixture according to claim 1, wherein said at least one other phosphate-containing inorganic compound is selected from CaHPO_4 and ; carbonate-containing apatite ~~and~~ CaCO_3 .

18. A mixture according to claim 1, wherein ~~said method of preparing~~ a precipitated hydroxylapatite (PHA) is prepared by comprising:

homogenously mixing CaSO_4 , Na_3PO_4 , and CaCO_3 ~~CaSO_4 , Na_3PO_4 , CaCO_3~~ in an aqueous solution;

dissolving at least one magnesium salt into aqueous solution;

removing resultant precipitate; and

washing with a neutral electrolyte.

19. A mixture ~~method~~ according to claim 18, wherein said at least one ~~in which the~~ magnesium salt is magnesium chloride, magnesium sulfate, magnesium nitrate or one or more of their hydrates.--